IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CARRIE SCHEUERMAN,)
Plaintiff,)
v.) Case No. 1:23-cv-16245
CENTRAL STATES PENSION FUND,) Magistrate Judge Heather McShain
Defendant.)
)

<u>DEFENDANT'S UNOPPOSED MOTION FOR LEAVE TO DEPOSE PLAINTIFF</u> <u>ON OCTOBER 29, 2024, AFTER THE CLOSE OF FACT DISCOVERY</u>

Defendant Central States Pension Fund ("Central States" or "Defendant"), through its undersigned counsel, files this unopposed motion for leave to depose Plaintiff on October 29, 2024, which is after the October 4, 2024, close of fact discovery. In support Defendant states as follows:

- 1. On September 5, 2024, Defendant sent Plaintiff notice of her in-person deposition, which was set to take place today, September 20, 2024.
- 2. During a status hearing on Monday, September 16, 2024, the parties reported that they were on track to complete fact discovery by the current deadline of October 4, 2024. The Court issued in a minute order directing the parties that "should that change, the party seeking an extension is to file a motion establishing good cause for the request and indicating whether the motion is opposed or unopposed." (Doc. No. 41.)
- 3. Yesterday, September 19, 2024, counsel for Plaintiff advised counsel for Defendant that Plaintiff was out of state and could not attend her deposition as scheduled on September 20.

Moreover, Plaintiff counsel advised that Plaintiff would not be available to appear for her

deposition until October 3, 2024.

4. Defendant is not available on the proposed alternative date of October 3, 2024.

5. After reviewing calendar availability for Defendant's counsel of record and in-

house counsel for alternative dates to depose Plaintiff, and consulting with Plaintiff's counsel

about his and Plaintiff's availability to appear for her deposition, the parties have agreed that

Plaintiff could be deposed on Tuesday, October 29, 2024.

6. Because the parties' revised proposed date to depose Plaintiff on October 29, 2024,

would be after the October 4, 2024, cutoff of fact discovery, Defendant seeks leave from the Court

to now depose Plaintiff on October 29, 2024.

7. Defendant also intends to proceed next week with its previously scheduled and

subpoenaed depositions of Plaintiff's mother, sister, and boyfriend, all of whom Plaintiff identified

in her written discovery responses as having information relevant to her claims in this case.

8. This request made in good faith and not for purposes of delay.

WHEREFORE, Defendant respectfully requests that the Court grant it leave to depose

Plaintiff on October 29, 2024, after the October 4, 2024, close of fact discovery.

Dated: September 20, 2024

Respectfully submitted,

CENTRAL STATES PENSION FUND

By: /Michael S. Ferrell/

Michael S. Ferrell, one of its attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on this 20th day of September, 2024, he caused a copy of the foregoing Defendant's Unopposed Motion for Leave to Depose Plaintiff on October 29, 2024, After the Close of Fact Discovery to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF (electronic case filing) system, which sent notification of such filing to the following ECF participants, via e-mail:

Ethan G. Zelizer HR Law Counsel, LLC 29 South Webster Street Suite 350-C Naperville, IL 60540 ethan@hrlawcounsel.com

/s/ Daniel R. Simandl
Attorney for Defendant